



## CHARGES AND SPECIFICATIONS

PD468-121 (Rev.1-02)-Pent

Date  
July 16, 2015

Command ESU / 450	Serial No. CCRB No. 201407041	I.A.B. Log No. 2015-20566	I.A.B. Member Notified PO Aviles Tax NO. 926528	Department Advocate's Office Serial Number 2015-13485
----------------------	-------------------------------------	------------------------------	---	---

## TO THE POLICE COMMISSIONER:

I hereby CHARGE	Rank-Title POM	Surname Cabrera	First Name Patrick	Initial	Shield No. 03395	Tax Reg. No. 947992
Squad or Chart No.	Command ESU / 450				Date Entered Dept. January 14, 2009	

with VIOLATION OF DEPARTMENT REGULATIONS

## SPECIFICATIONS

in that:

1. Said Police Officer Patrick Cabrera, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he punched § 87(2)(b) in the head, neck, and back, without police necessity.

PG 203-11, USE OF FORCE

2. Said Police Officer Patrick Cabrera, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he kicked § 87(2)(b) in the head, neck, and back, without police necessity.

PG 203-11, USE OF FORCE

  
Jonathan Darche  
Chief Prosecutor  
Administrative Prosecution Unit  
New York City Civilian Complaint Review Board

  
Date

**1st ENDORSEMENT**

Executive Director Mina Q. Malik of the Civilian Complaint Review Board to the Police Commissioner, July 16, 2015. I concur with the issuance of charges and specifications.

  
 Mina Q. Malik  
 Executive Director  
 New York City Civilian Complaint Review Board

**INSTRUCTIONS FOR SERVICE OF CHARGES AND SPECIFICATIONS**

1. Respondent will sign and complete where appropriate:
  - a. original charges and specifications
  - b. vacation and military leave form
  - c. two (2) copies of instructions and receipt of charges and specifications
  - d. agreement to accept service of notice form (when requested in suspension cases only).
2. Respondent will receive:
  - a. one (1) copy of charges and specifications
  - b. one (1) copy of instructions and receipt of charges and specifications form

**ACKNOWLEDGEMENT OF SERVICE**

I acknowledge due personal service on me of the within Charges and Specifications and notice of Hearing, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ AM/PM.

WITNESS

RESPONDENT

(Rank  
Title)

(Signature)

(Rank Title)

(Signature)

**DATE STAMP**D.A.O.  
(Out)CMD PREFER C&S  
(In) (Out)HIGHER COMMAND  
(In) (Out)D.A.O.  
(In)

**CHARGES AND SPECIFICATIONS**

PD468-121 (Rev.1-02)-Pent

Date  
July 16, 2015

Command 105 <sup>th</sup> PCT / 150	Serial No. CCRB No. 201407041	I.A.B. Log No. 2015-20568	I.A.B. Member Notified PO Aviles Tax NO. 926528	Department Advocate's Office Serial Number 2015-13483
--	-------------------------------------	------------------------------	---	---

**TO THE POLICE COMMISSIONER:**

I hereby CHARGE	Rank-Title POM	Surname Whooley	First Name Michael	Initial	Shield No. 06036	Tax Reg. No. 943951
	Squad or Chart No.	Command 105 <sup>th</sup> PCT / 105	Date Entered Dept. January 10, 2007			

with VIOLATION OF DEPARTMENT REGULATIONS

**SPECIFICATIONS**

in that:

1. Said Police Officer Michael Whooley, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he punched § 87(2)(b) in the head, neck, and back, without police necessity.

PG 203-11, USE OF FORCE

2. Said Police Officer Michael Whooley, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he kicked § 87(2)(b) in the head, neck, and back, without police necessity.

PG 203-11, USE OF FORCE

  
 Jonathan Darche  
 Chief Prosecutor  
 Administrative Prosecution Unit  
 New York City Civilian Complaint Review Board

  
 Date

**1st ENDORSEMENT**

Executive Director Mina Q. Malik of the Civilian Complaint Review Board to the Police Commissioner, July 16, 2015. I concur with the issuance of charges and specifications.

  
 Mina Q. Malik  
 Executive Director  
 New York City Civilian Complaint Review Board

**INSTRUCTIONS FOR SERVICE OF CHARGES AND SPECIFICATIONS**

1. Respondent will sign and complete where appropriate:
  - a. original charges and specifications
  - b. vacation and military leave form
  - c. two (2) copies of instructions and receipt of charges and specifications
  - d. agreement to accept service of notice form (when requested in suspension cases only).
2. Respondent will receive:
  - a. one (1) copy of charges and specifications
  - b. one (1) copy of instructions and receipt of charges and specifications form

**ACKNOWLEDGEMENT OF SERVICE**

I acknowledge due personal service on me of the within Charges and Specifications and notice of Hearing, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ AM/PM.

WITNESS

RESPONDENT

(Rank  
Title)

(Signature)

(Rank Title)

(Signature)

**DATE STAMP**

D.A.O.

(Out)

CMD PREFER C&amp;S

(In)

(Out)

HIGHER COMMAND

(In)

(Out)

D.A.O.

(In)



## CHARGES AND SPECIFICATIONS

PD468-121 (Rev.1-02)-Pent

Date  
July 16, 2015

Command 105 <sup>th</sup> PCT / 105	Serial No. CCRB No. 201407041	I.A.B. Log No. 2015-20570	I.A.B. Member Notified PO Aviles Tax NO. 926528	Department Advocate's Office Serial Number 2015-13484
--	-------------------------------------	------------------------------	---	---

## TO THE POLICE COMMISSIONER:

I hereby CHARGE	Rank-Title POM	Surname Fitzgerald	First Name Thomas	Initial	Shield No. 15621	Tax Reg. No. 944061
Squad or Chart No.	Command 105 <sup>th</sup> PCT / 105	Date Entered Dept. January 23, 2007				

with VIOLATION OF DEPARTMENT REGULATIONS

## SPECIFICATIONS

in that:

1. Said Police Officer Thomas Fitzgerald, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he punched § 87(2)(b) in the head, neck, and back, without police necessity.

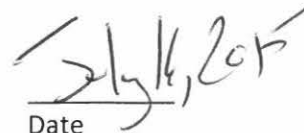
PG 203-11, USE OF FORCE

2. Said Police Officer Thomas Fitzgerald, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he kicked § 87(2)(b) in the head, neck, and back, without police necessity.

PG 203-11, USE OF FORCE

  
Jonathan Darche  
Chief Prosecutor  
Administrative Prosecution Unit  
New York City Civilian Complaint Review Board

Date

  
July 16, 2015

**1st ENDORSEMENT**

Executive Director Mina Q. Malik of the Civilian Complaint Review Board to the Police Commissioner, July 16, 2015. I concur with the issuance of charges and specifications.

  
 Mina Q. Malik  
 Executive Director  
 New York City Civilian Complaint Review Board

**INSTRUCTIONS FOR SERVICE OF CHARGES AND SPECIFICATIONS**

1. Respondent will sign and complete where appropriate:
  - a. original charges and specifications
  - b. vacation and military leave form
  - c. two (2) copies of instructions and receipt of charges and specifications
  - d. agreement to accept service of notice form (when requested in suspension cases only).
2. Respondent will receive:
  - a. one (1) copy of charges and specifications
  - b. one (1) copy of instructions and receipt of charges and specifications form

**ACKNOWLEDGEMENT OF SERVICE**

I acknowledge due personal service on me of the within Charges and Specifications and notice of Hearing, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ AM/PM.

WITNESS

RESPONDENT

(Rank  
Title)

(Signature)

(Rank Title)

(Signature)

**DATE STAMP**D.A.O.  
(Out)CMD PREFER C&S  
(In) (Out)HIGHER COMMAND  
(In) (Out)D.A.O.  
(In)

**CHARGES AND SPECIFICATIONS**

PD468-121 (Rev.1-02)-Pent

Date  
July 16, 2015

Command 105 <sup>th</sup> PCT / 105	Serial No. CCRB No. 201407041	I.A.B. Log No. 2015-20569	I.A.B. Member Notified PO Aviles Tax NO. 926528	Department Advocate's Office Serial Number 2015-13482
--	-------------------------------------	------------------------------	---	---

**TO THE POLICE COMMISSIONER:**

I hereby CHARGE	Rank-Title POM	Surname Chierico	First Name Paul	Initial	Shield No. 30661	Tax Reg. No. 936344
	Squad or Chart No. 105 <sup>th</sup> PCT / 105	Command 105 <sup>th</sup> PCT / 105	Date Entered Dept. January 10, 2005			

with VIOLATION OF DEPARTMENT REGULATIONS

**SPECIFICATIONS**

in that:

1. Said Police Officer Paul Chierico, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he punched § 87(2)(b) in the head, neck, and back, without police necessity.

PG 203-11, USE OF FORCE

2. Said Police Officer Paul Chierico, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he kicked § 87(2)(b) in the head, neck, and back, without police necessity.

PG 203-11, USE OF FORCE

3. Said Police Officer Paul Chierico, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he twisted § 87(2)(b) thumb, without police necessity.

PG 203-11, USE OF FORCE

4. Said Police Officer Paul Chierico, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, wrongfully used force, in that he threw § 87(2)(b) to the ground, without police necessity.

PG 203-11, USE OF FORCE

5. Said Police Officer Paul Chierico, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 128<sup>th</sup> Avenue and 235<sup>th</sup> Street, Queens County, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that he damaged § 87(2)(b) property.

PG 203-10 Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT

6. Said Police Officer Paul Chierico, on or about July 5, 2014, at approximately 0015 hours, while assigned to the 105th PCT and on duty, in the vicinity of 105 PCT Station House, Queens County, abused his authority as a member of the New York City Police Department, in that he arrested § 87(2)(b) without sufficient legal authority.

PG 208-1, Page 1, Paragraph 3 – LAW OF ARREST

  
Jonathan Darche  
Chief Prosecutor  
Administrative Prosecution Unit  
New York City Civilian Complaint Review Board

  
Date



**1st ENDORSEMENT**

Executive Director Mina Q. Malik of the Civilian Complaint Review Board to the Police Commissioner, July 16, 2015. I concur with the issuance of charges and specifications.

  
 Mina Q. Malik  
 Executive Director  
 New York City Civilian Complaint Review Board

**INSTRUCTIONS FOR SERVICE OF CHARGES AND SPECIFICATIONS**

1. Respondent will sign and complete where appropriate:
  - a. original charges and specifications
  - b. vacation and military leave form
  - c. two (2) copies of instructions and receipt of charges and specifications
  - d. agreement to accept service of notice form (when requested in suspension cases only).
2. Respondent will receive:
  - a. one (1) copy of charges and specifications
  - b. one (1) copy of instructions and receipt of charges and specifications form

**ACKNOWLEDGEMENT OF SERVICE**

I acknowledge due personal service on me of the within Charges and Specifications and notice of Hearing, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ AM/PM.

WITNESS

RESPONDENT

(Rank  
Title)

(Signature)

(Rank Title)

(Signature)

**DATE STAMP**

D.A.O.  
(Out)

CMD PREFER C&S  
(In) (Out)

HIGHER COMMAND  
(In) (Out)

D.A.O.  
(In)